

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

STEPHANIE VALASQUEZ

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Plaintiff,

v.

DART TRANSIT COMPANY and  
THOMAS RASHAD

CIVIL ACTION NO. 4:22-cv-177  
(removed from 67<sup>th</sup> District  
Court, Tarrant County, Texas,  
Cause No. 067-331797-22)

Defendant.

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**DEFENDANTS DART TRANSIT COMPANY AND THOMAS RASHAD'S  
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Notice is hereby given that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Dart Transit Company (“Dart”), and Rasan Thomas (improperly named as Thomas Rashad) (“Thomas”) hereby remove this action from the 67th Judicial District Court in Tarrant County, Texas to the United States District Court for the Northern District of Texas, Fort Worth Division, and would respectfully show the Court as follows:

**I. PARTIES**

1. Plaintiff Stephanie Valasquez (“Valasquez”) is an individual residing in Tarrant County, Texas. For purposes of diversity, Valasquez is a citizen of Texas.

2. Defendant Dart Transit Company is a Minnesota corporation that, at all relevant times, has maintained its principal place of business in Minnesota. For purposes of diversity, Dart is a citizen of Minnesota.<sup>1</sup>

3. Defendant Rasan Thomas (improperly named as Thomas Rashad) is an individual residing in Mississippi. For purposes of diversity, Thomas is a citizen of Mississippi.

## II. STATE COURT ACTION

4. This matter arises from a motor vehicle accident that occurred on April 27, 2021, in Tarrant County, Texas. As a result of the accident, Plaintiff is bringing claims of negligence and gross negligence against Defendants.

5. On February 3, 2022, Plaintiff filed her Original Petition in the 67th Judicial District Court in Tarrant County, Texas, styled *Stephanie Valasquez v. Dart Transit Company and Thomas Rashad*, cause no. 067-331797-22 (the “State Court Action”).

6. Dart was served with process on February 10, 2022. Melton Truck Lines filed its Original Answer on March 4, 2022.

7. Thomas was served with process on February 10, 2022. Thomas filed his Original Answer on March 4, 2022.

8. With this Notice of Removal, Defendants remove the State Court Action to this Court on the basis of diversity jurisdiction, as more fully described below.

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<sup>1</sup> 28 U.S.C. § 1332(c)(1).

### **III. BASIS FOR REMOVAL**

**9.** The State Court Action is removable pursuant to 28 U.S.C. § 1441(a)-(b) and 28 U.S.C. § 1332(a)(1). This matter is a civil dispute between citizens of different states. There is and was at all relevant times (including at the time of filing of the States Court Action, service of the Original Petition, and the filing of this Notice of Removal), complete diversity between the parties in this action.

**10.** The amount in controversy in this lawsuit exceeds \$75,000, exclusive of interest and costs, as evidenced by the paragraph 18, page 5 of Plaintiff's Original Petition. In her Original Petition, Plaintiff seeks to recover monetary relief over \$1,000,000.

**11.** Accordingly, because Plaintiff and the Defendants are citizens of different states and the amount in controversy exceeds \$75,000, this Court has original jurisdiction and removal of this matter to federal court is proper.

**12.** Venue is proper in this Court under 28 U.S.C. § 1441(a) because the district and division of this Court includes Tarrant County, Texas, the location where Plaintiff filed her State Court Action.

### **IV. COMPLIANCE WITH REMOVAL REQUIREMENTS**

**13.** This Notice of Removal is timely filed under 28 U.S.C. § 1446. This Notice of Removal is filed within thirty days of February 10, 2022, the date Defendants were first served with process and a copy of Plaintiff's Original Petition in the State Court Action. This Notice of Removal is filed within one year of the filing of the Original Petition.

14. In accordance with 28 U.S.C. § 1446(d), written notice of this removal will be promptly given to Plaintiff, through her counsel of record, and a copy of this Notice will be filed with the clerk of court where the State Court Action is pending.

15. By filing this Notice of Removal, Defendants do not intend to waive any defenses they may have to Plaintiff's claims.

#### **V. CONCLUSION**

Defendants Dart Transit Company and Rasan Thomas (improperly named as Thomas Rashad), therefore, request the Court accept jurisdiction over this lawsuit for the reasons set forth above and grant them such other and further relief at law and in equity to which they may be justly entitled.

Respectfully submitted,

/s/ Mark S. Scudder

**MARK S. SCUDDER**

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

On March 9, 2022, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

*/s/ Mark S. Scudder*

**MARK S. SCUDDER**